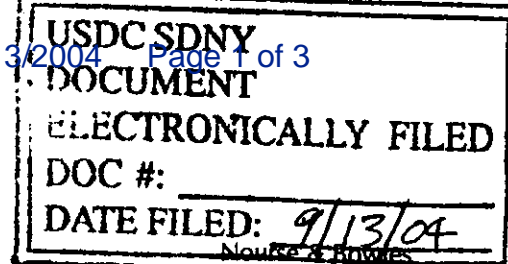


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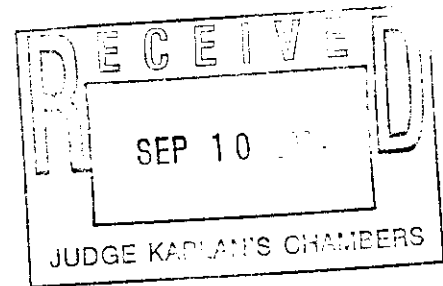


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September 9, 2004

By Hand

Honorable Lewis A. Kaplan
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1310
New York, New York 10007-1312



**Re: American Steamship Owners Mutual
Protection and Indemnity Association, Inc.
v. Alcoa Steamship Co. et al. – 04 CV 4309 (LAK)**

Dear Judge Kaplan:

We are attorneys for plaintiff, American Steamship Owners Mutual Protection and Indemnity Association, Inc. (the "American Club") in connection with the captioned action.

We write in connection with Your Honor's "Order Re Scheduling and Initial Pre-Trial Conference" dated August 25, 2004, partial copy enclosed for convenient reference and, for the reasons stated herein, seek an additional month to file the required Consent Scheduling Order.

There are over 100 defendants named in this case, most of whom are spread over the United States, and others are located in foreign countries including Argentina, Chile and Greece. In the circumstances, to save substantial service costs, we sent Waiver of Service Forms to each of the defendants at their last-known addresses. The foreign defendants are entitled to 90 days after the date of receipt of the Waiver of Service forms, or until October 8, 2004 to appear, move or answer the complaint.

Many of the defendants promptly returned the Waiver of Service forms and several of defendants have requested until October 8, 2004 to appear, move or answer the complaint. Your Honor has approved of those requests.

Unfortunately, a number of the Waiver of Service forms and attached complaints were returned indicating that the defendants in question are no longer at the last-known addresses in plaintiff's files. It has taken more than two months for some of these papers to be returned from foreign post offices. Efforts have been and are underway to obtain correct addresses and or determine whether those defendants are still in existence and to re-serve them if possible. Other named defendants have suggested that they are not the proper party; and in one such case to date, Your Honor has approved of the substitution of the proper defendant.

We were informed today by counsel for one of the defendants, the Oglebay Norton Company, that it is currently undergoing a Chapter 11 reorganization and is under the protection of the automatic stay of the Bankruptcy Code. This defendant has asked that it not be required to respond to the complaint until 60 days after the effective date of its plan of reorganization which should be approved at a hearing in Bankruptcy Court on September 29, 2004. Given the automatic stay, this defendant cannot be forced to answer at this time. We will ask it to answer by about mid October, if at all possible.

In these circumstances, it will not be possible or practical to completely comply with the attached Order which, by its terms, requires the filing of a Consent Scheduling Order, signed by "all counsel" "within 30 days" or by September 25, 2004.

By the end of September, we would hope to have served all possible defendants and would expect that by the end of October, all parties who are going to participate in this action would have appeared. We also hope that a Consent Scheduling Order can be signed by counsel for all parties at that time. We further hope that the defendants will then be able to consider appointing a small defense committee to facilitate dealing with this matter.

We have spoken with the attorneys for several of the defendants, including Seth Schafler at Proskauer Rose, who represents the Keystone entities and several other defendants. No one opposes the short extension we request.

Please confirm that the parties may have until October 29, 2004 to submit a Consent Scheduling Order.

Please also let us know if there are any questions.

Thank you for your consideration.

Respectfully submitted,

NOURSE & BOWLES, LLP

By:




Lawrence J. Bowles

LJB/jtc

Encl.

cc: Seth B. Schafler, Esq.
Proskauer Rose LLP

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SO ORDERED


LEWIS A. KAPLAN USDJ
9/13/04